

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

GREGORY BERNARD
MONTGOMERY,

Defendant and Appellant.

2d Crim. No. B162797
(Super. Ct. No. YA051089)
(Los Angeles County)

Gregory Bernard Montgomery appeals from the judgment following his plea of nolo contendere to second degree auto burglary (Pen. Code, § 459)¹ and admission that he served a prior prison term (§ 667.5, subd. (b)). The trial court denied appellant's motion to withdraw the plea and imposed a sentence of four years state prison. Appellant was ordered to pay \$900 victim restitution (§ 1202.4, subd. (f)), a \$200 restitution fine (§ 1202.4, subd. (b)), a \$200 parole revocation fine (§ 1202.45), a \$50 lab fee (Health & Saf. Code, § 11372.5, subd. (a)), and a \$85 penalty assessment (§ 1464; Gov. Code, § 76000).

We appointed counsel to represent appellant in this appeal. After counsel's examination of the record, he filed an opening brief raising no issues.

On February 18, 2003, we advised appellant that he had 30 days within which to personally submit any contentions or issues that he wished to raise on appeal. We have received no response from him.

We have reviewed the entire record and are satisfied that appellant's attorney has fully complied with his responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.

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YEGAN, J.

We concur:

GILBERT, P.J.

COFFEE, J.

(Fn. cont'd.)

¹ Unless otherwise stated, all statutory references are to the Penal Code.

Francis J. Hourigan III, Judge
Superior Court County of Los Angeles

A. William Bartz, Jr., , under appointment by the Court of Appeal, for
Defendant and Appellant.

No appearance for Respondent.